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John Henry Schneider MD MS-ADR  
Pro Se Defendant  
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IN THE UNITED STATES FEDERAL COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN HENRY SCHNEIDER,

Defendant.

) Case No. 6:20-CR-00543-MC

)  
) *MOTION FOR EARLY TERMINATION*  
) *OF SUPERVISED RELEASE*

)  
) Judge: Hon. Michael J. McShane  
)  
)

I. INTRODUCTION

Defendant, JOHN H. SCHNEIDER, hereby moves the Court to terminate his term of supervised release pursuant to 18 U.S.C. § 3583(e)(1). The 3-year term of supervised release began on October 31<sup>st</sup>, 2020. Dr. John Schneider will complete one year of this supervisory term on October 31, 2021, and the Honorable Judge McShane previously indicated his willingness to consider this motion on the anniversary date of this term. An attached order is included in this petition for the court's convenience.

John H Schneider is being supervised in the District of Oregon where he lives and works. Prior to filing this petition, defendant queried the supervising probation officer and the government. The probation officer has indicated that John H Schneider is in full compliance in all areas of supervision, including making monthly payments on his restitution obligation. On September 13, 2021, the remaining balance of restitution owed by John H. Schneider was paid in full to the government (Attachment 1).

## II. APPLICABLE LAW

Title 18, section 3583(e)(1) of the United States Code authorizes the Court to terminate a defendant's term of supervised release at any time after the expiration of one year of supervision if the Court is "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." If necessary, based upon the position of the government and/or the court, the defendant requests a hearing on this matter. Section 3583(e) directs the Court to consider the purposes of sentencing set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6) and (a)(7) in deciding whether to terminate a term of supervised release. The Judicial Conference has identified the following criteria to assess eligibility for early termination.

Officers should consider the suitability of early termination for offenders as soon as they are statutorily eligible. The general criteria for assessing whether a statutorily eligible offender should be recommended to the court as an appropriate candidate for early termination are as follows:

1. Stable community reintegration (e.g., residence, family, employment).
2. Progressive strides toward supervision objectives and in compliance with all conditions of supervision.
3. No aggravated role in the offense of conviction, particularly large drug or fraud offenses.
4. No history of violence (e.g., sexually assaultive, predatory behavior, or domestic violence).
5. No recent arrests or convictions (including unresolved pending charges), or ongoing, uninterrupted patterns of criminal conduct.
6. No recent evidence of alcohol or drug abuse.
7. No recent psychiatric episodes.
8. No identifiable risk to the safety of any identifiable victim.
9. No identifiable risk to public safety based on the Risk Prediction Index (RPI).

109)(rev'd 2010) (emphasis added). Pursuant to the policy, "there is a presumption in favor of recommending early termination" for supervisees after twelve months if they are not "career violent and/or drug offenders, sex offenders, or terrorists," if they "present no identified risk to the public or victims," and if they are "free from any moderate or high severity violations." *Id.*, § 380.10(g).

Further, on February 16, 2012, the Honorable Robert Holmes Bell, Chair of the Committee on Criminal Law of the Judicial Conference, issued a memorandum to all United States District Court Judges encouraging them to grant early termination of supervised release in appropriate cases as an effort to reduce expenditures in the probation and pretrial services programs. Terminating "appropriate cases before they reach their full term saves resources and allows officers to focus on offenders who continue to pose the greatest risk of recidivism."

Judge Bell's memorandum notes that supervision costs approximately \$3,938 per year per case. Analysis by the Administrative Office of the Courts indicates that offenders who received early termination were "arrested less often, for less serious charges, and were sentenced to terms of imprisonment less often." Accordingly, "[f]rom a policy standpoint, it appears that the above criteria, when properly applied, does not jeopardize public safety." *Id.*

### III. DR JOHN H SCHNEIDER SATISFIES ALL THE CRITERIA FOR EARLY TERMINATION

Dr. Schneider satisfies all the factors set forth for early termination. He has completed all his terms of supervision and has no need for programming or treatment. He has completed all payment of his restitution obligation. He has no other special conditions and has fully complied with all requests and requirements set forth by probation services. Notably, he has no conditions requiring any sort of programming or counseling, and none has been needed during incarceration or during the course of supervision. The government

and probation services received a copy of this motion prior to submission before the court.

Dr Schneider was convicted of one count of bankruptcy fraud in September 2018, for which he received a 24-month custodial sentence. He self-surrendered and served his prison time without incident. He was, during his incarceration, at the Metropolitan Correctional Center of San Diego, immediately made a trustee (awarded to less than 0.1% of the inmate population), working outside of this restrictive facility with minimal supervision during his entire term of incarceration. In addition, post incarceration supervision has been without any incident. Dr Schneider has steady self-employment through his sole proprietorship, Provider Resolutions, a healthcare consulting company. In addition, John Schneider pursued advanced technical training this past year and received certification as a professional scuba diving instructor (attachment 2). He is now an independent contractor Dive Master with Under Water Works, Inc of Tigard Oregon. Terminating of John H Schneider's supervised release would enable him to travel freely for both his consulting business in Healthcare Dispute Resolution (Dr. Schneider, MD also holds a master's degree in Alternative Dispute Resolution from Creighton School of Law (Sept 2016)) and regionally and internationally as a certified Dive Master scuba instructor.

Dr John Schneider was diagnosed with cancer in November of 2020 and is currently being treated with both surgical and medical adjuvant therapeutics for this malignancy. Dr Schneider continues to contribute to society, support his family financially and prove to the court his prior lapse in judgement and subsequent criminal conviction was an anomaly far removed from Dr Schneider's character, morals and civil mindset and behavior. John Schneider has a stable residence in Oregon and family life with his wife of over 30 years. He is the father of three successful law-abiding children, (one of which works for the Sheriff's department in Lincoln County, Oregon).

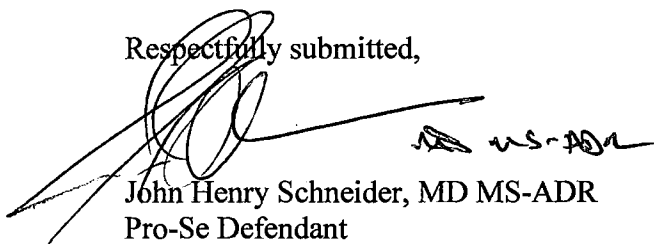
The Court is often called upon to impose serious consequences for defendants who violate supervised release. Dr John Schneider has completed every condition imposed and worked diligently to meet and respond to every requirement of supervision. Parole supervising officer Mr. Eric Myrene indicated his intention in August of 2021 to move

John Schneider to the lowest administrative level of supervision possible.

Dr John Schneider has fully reintegrated into society and is a valued worker, family member, and citizen. He has achieved stable community reintegration in terms of housing, family, and employment. He is in full compliance with all terms of supervision. He had no aggravated role in the offense, no violence or weapons in this offense, and is not using controlled substances. He has no psychiatric issues. He enjoys the support of his community. Defendant requests the court note the attached character reference letters to this petition (Attachment 3). John Schneider is an ideal candidate for early termination of supervised release based on every factor the Court must consider.

Given John H Schneider's commendable reentry into the community and performance on supervised release, he respectfully requests that the Court order that his term of supervision be terminated under 18 U.S.C. § 3583(e).

Respectfully submitted,



John Henry Schneider, MD MS-ADR  
Pro-Se Defendant  
DATED: 27 September 2021

Attachment:

1. Restitution Payment schedule and Balance submitted by U.S. Attorney Office.
2. Certification Professional Scuba Instructor
3. Reference Letters – Sharp, Shaurette and Gober

Copy: 1. US Attorney, 405 E 8th Ave, Eugene, OR 97401  
2. Eric Myrene, Federal probation Services 30 Center St NE # 406, Salem, OR 97301